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CITY AND COUNTY OF SAN FRANCISCO
9 AND GEORGE BUTTERWORTH

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 JOHN TENNISON,
13 Plaintiff,

14 vs.

15 CITY AND COUNTY OF SAN
FRANCISCO, SAN FRANCISCO POLICE
16 DEPARTMENT, EARL SANDERS,
NAPOLEON HENDRIX AND GEORGE
17 BUTTERWORTH,

18 Defendants.
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Case No. C 04-0574 CW (EMC)

**STIPULATION AND PROPOSED
PROTECTIVE ORDER REGARDING
DOCUMENTS (1) FROM OPEN AND
INACTIVE HOMICIDE FILES AND (2)
IDENTIFYING PROTECTED
WITNESSES**

Stipulation & Proposed AEO Order
Tennison v. CCSF, et al.; Case No. C04-0574

FILED 09/21/05 11:16 AM 002177 Doc

RECITAL

Defendant City and County of San Francisco and Plaintiff Tennison have agreed that San Francisco will produce certain Chronological Reports to Tennison from open and inactive homicide files of the San Francisco Police Department, and certain documents containing names, locations, and other identifying information for witnesses who are or were in a witness protective program. San Francisco believes that disclosure of these documents may jeopardize homicide investigations and/or put individuals in danger. Accordingly, San Francisco and Tennison stipulate and agree that these reports will be produced subject to an "Attorneys' Eyes Only" protective order. Further, San Francisco will produce these reports to counsel for plaintiff Goff upon his counsel's execution of this stipulation. A signature block is provided for that purpose. However, counsel for Goff is not obligated to enter into this stipulation, and counsel for Tennison and San Francisco request that the Court enter this stipulation as an Order, regardless of counsel for Goff's agreement.

STIPULATION

The parties stipulate to the following:

1. All Chronological Reports produced by San Francisco from Open and Inactive homicide files of the San Francisco Police Department, other than the reports produced from the Shannon homicide file that is the subject of this litigation, are subject to the following "For Attorneys' Eyes Only" Protective Order. All documents containing the names, locations, and other identifying information for witnesses in conjunction with a witness protection program are also subject to the following "For Attorneys' Eyes Only" Protective Order. These documents will be referred to as the "Protected Documents." All protected documents produced are to be used for the purposes of this litigation only. Prior to receiving Protected Documents, counsel for a plaintiff in this case must execute this stipulation. Upon execution, counsel is designated as "Receiving Counsel." Receiving Counsel may not disclose or use the Protected Documents in this litigation absent a stipulation or court order, secured in advance, except as provided in paragraphs 2, 3, and 4.

1 2. Notwithstanding the last sentence of paragraph 1, Receiving Counsel may
2 disclose the Protected Documents to other attorneys and staff within their firm. Receiving
3 Counsel may disclose Protected Documents to attorneys within their firm without notice or
4 additional procedures. However, such attorneys are bound by this stipulation and order to the
5 same extent as Receiving Counsel. Ten days prior to disclosing Protected Documents to staff
6 within their firm, Receiving Counsel must provide the names and job titles of such individuals to
7 San Francisco. If San Francisco objects to a disclosure made pursuant to this paragraph, San
8 Francisco may bring its objection before the Court by letter. Receiving Counsel may not provide
9 more than five names to San Francisco within any ten-day period. Receiving Counsel may
10 substitute another attorney within their firm to be Receiving Counsel. Such substitution may be
11 made on three Court days notice. If San Francisco objects to a substitution made pursuant to this
12 paragraph, San Francisco may bring its objection before the Court by letter.

13 3. Notwithstanding the last sentence of paragraph 1, Receiving Counsel may
14 disclose Protected Documents to any expert they retain in this litigation.

15 4. Notwithstanding the last sentence of paragraph 1, Receiving Counsel or any other
16 attorney at Receiving Counsel's firm may file Protected Documents with the Court, but only
17 under seal.

18 5. Any person other than Receiving Counsel who receives a Protected Document
19 must sign an agreement stating (1) they will use Protected Documents only for this litigation, (2)
20 they will not disclose Protected Documents to anyone, (3) they will return all copies of Protected
21 Documents to Receiving Counsel promptly upon the conclusion of this litigation. Receiving
22 Counsel shall keep the originals of these agreements for two years post-conclusion of this matter.

23 6. When producing documents subject to this Protective Order, San Francisco will
24 label the documents "For Attorneys' Eyes Only." If San Francisco inadvertently fails to mark
25 any Protected Documents as "For Attorneys' Eyes Only," San Francisco will substitute copies
26 properly marked. Within 5 days of receipt of substitute copies, Receiving Counsel shall, at San
27 Francisco's option, destroy the unmarked copies or make the unmarked copies available for San
28 Francisco's retrieval at San Francisco's expense.

7. At the conclusion of this matter, Receiving Counsel will promptly return to San Francisco all copies of the Protected Documents.

8. This Order, when entered by the Court, will be retroactive to the date of production.

Dated: 9/19/05

DENNIS J. HERRERA
City Attorney
JOANNE HOEPER
Chief Trial Deputy

By: [Signature]
EVAN H. ACKIRON
Attorneys for Defendants
CCSF AND GEORGE BUTTERWORTH

Dated: 9-19-05

DANIEL PURCELL, ESQ.
KEKER & VAN NEST, LLP

By: [Signature]
DANIEL PURCELL
Attorneys for Plaintiff JOHN TENNISON

Dated: _____

JOHN HOUSTON SCOTT, ESQ.
THE SCOTT LAW FIRM

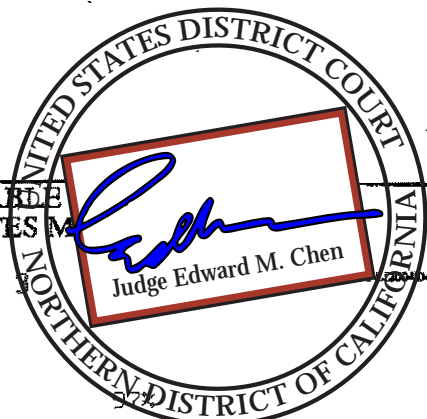
By: _____
JOHN HOUSTON SCOTT
Attorneys for Plaintiff ANTOINE GOFF

ORDER

IT IS SO ORDERED.

Dated: September 21, 2005

THE HONORABLE
UNITED STATES M



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